App F IX 1

Previous References (1942 Ml)

File No 126-42

Serial Nos 3

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 42

SUBJECT

Resignation of Mr Chokkalingam,
President Dist Bd Adampur

No C1 2908/41-42
Encl Two

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE

Date 4th June, 42, 194

M 126-42-8

[App F III-

From

B S RAGHAVENDRA RAO Esq MA (Hon)
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To

C NARAYANASWAMI NAIDU ESQ , B A ,B L ,
Secretary to Government,
Law Department, Bangalore

Sir,

I have the honor to state that Government Proceedings No L 10371-90/L B 22-41-10 dated 29th April, 1942 declining to take notice of resignation of Mr Ehikkalingiah to the office of the President, District Board, Mandya, was placed before the Municipal Council at their meeting held on 30th May 1942 An extract of their resolution passed in this behalf is herewith forwarded for the information of Government

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT 4/6

SNR

Recognition of ... Chikkalingaya ... for the office of ... the Pd Dt Bd ... Mandya &

File No ... of 194 1-2 — General and Revenue Secretariat

Serial No

Comments on the policy of Govt in this matter, which is justified under the circumstances of the case. The Board request that the last portion of the order relating to the general policy of Govt may be withdrawn.

3 Submitted for perusal. No action is called for on the subject.

562

Law secy for 17/6/42

Secretary (SS) 4) 17/6/42

SECY L D 17-6-42 1 2

OFFICE OF THE MINISTER FOR L S G & P H Dt 17 6 42 A

for Secy 16/7/42

Cirs 13-7-42

Devaru

6) Circs 13-7-42

for 13/7

RM 14/7/42

Circs 15-7-42

for 15/7

BO 16/7

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 30th May 1942, at 5 30 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P S t am ah Esq B A B.L. *V ce Pres dent*
3 A Krishna Murty Esq
4 U L Ramachandra Rao Esq
5 Chowdiah Fsq
6 M K Linganna Esq B A LL B
7 T S R jagopala Iyengar Esq M A LL B.
8 T Na asimha Iyeng r Esq B A B L
9 A N Suryanarayana Rao Esq
10 Mrs B Kameswar mma B A
11 Agaram Ra giah Esq
12 B N rayanaswamy Esq B A B L.
13 T Ma iappa Esq B A LL B
14 M V Venkataramiah Esq
15 M S Na jappa Esq
16 G R Ra gaswamiah Esq
17 E P Nanjappa Esq
18 G Jan rdan Naidu Esq
19 Patnam Sreeniv sasetty Esq
20 M R C Basappa Esq
21 T Venkataramaniah Esq
22 T S Alikhan Esq
23 Haji Mir Amiruddin Khuraichi Esq
24 S A Kareem Esq
25 B L Maridandiah Esq
26 F C Devaraja Urs Esq

ABSENT

27 S Linganna Esq
28 M C Mallappa Esq
29 N R jagopala Iyengar Esq B A B I
30 D A J Ram L M & S
31 Mahomed Khalilulla Esq M A LL B

===

902 Government Order No L 10371-90/L B 22-41-10 dated 29th April, 1942 declining to take notice of resignation of Mr Chikkalingiah to the office of the President, Mandya District Board observing that the practice of obtaining post-dated letters of resignation from persons elected to public offices on party tickets with a view to curtail their statutory term of office is an abuse of the right of election and is to be strongly depricated

"Recorded with the observation that the Government be requested to reconsider and withdraw the last portion of the order relating to the general policy in view of the appended note Proposed by Mr T Mariappa and seconded by Mr T S Rajagopala Iyengar

(Sd) B S Raghavendra Rao,
President

Copy

B Raghavendra Rao

PRESIDENT

snr

Enclosure to Council Resolution No 902 Dated 30 Sept 42

The Government Order on the resignation of Mr K Chikkalingiah, President, District Board, Mandya, is a curious document.

It is not clear from the Order whether the Government have made any enquiries before they came to any conclusion. The Order merely makes a reference to the correspondence between the Government and the Deputy Commissioner, Mandya District The Government do not state that Mr. Chikkalingiah had intimated his willingness to withdraw the resignation tendered by him Under these circumstances, this Council submits that the Government had no justification to pass such a general order Apart from the question of acceptance or rejection of the resignation, the interesting part of the Order is that relating to the policy that the Government wants to lay down in the case of elective Offices It is curious on what principle the present Order is based. It is not clear either, whether they had any analogies in the world to support their policy. It is obvious to any student of constitutional law that their order is erroneous and does not find any support either in the Acts or in the practices, that are guiding the elections to such offices If the Government has taken notice of what is happening in the field of Local Self Government in British India and for that matter, in the United Kingdom, they would not have laid down such a policy in the matter of resignations. It is a fundamental principle that when persons are elected to offices, on party tickets their resignations should follow as a matter of course when they lose the confidence of the party that was responsible for their election or of the majority in those bodies. Instances are many where such resignations have taken place at the instance of the parties functioning in these bodies. The Presidents of District Boards and Chairman of Municipal Councils in British India have resigned and offered Satyagraha at the instance of their parties. They have again been re-elected/after their release from Jail. The Congress Ministries in British India resigned at the instance of the Congress High Command and in Non-Congress Provinces like Bengal, Assam and Sind, party influences have been responsible for the resignation and reshuffling of the Ministries In New Zealand and Australia, it is a matter of recent History

how party exigencies and political considerations were responsible for the re-constitution of the Cabinets in those countries

It is not clear why the Government chose to tread such a dangerous path nor was there a necessity in laying down such a policy. No lover of Local Self-Government can view such a policy with equanimity. Their attempt to deprecate such resignations and casting reflections on parties was unwarranted It is earnestly hoped that the Government will not try to smother the development of healthy political life based on democratic principles.

'Copy'

Rajendra Prasad
President